IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35961 of 2007(F)

PETITIONER:

K.MANI,
ASSISTANT EXECUTIVE ENGINEER,
SPECIAL BUILDING SUB DIVISION,
KOZHIKODE.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENT:

THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 35961 of 2007

Dated this the 5th December, 2007

J U D G M E N T

The petitioner who is an Assistant Executive Engineer, Special Building, Sub Division is scheduled to retire from service on superannuation on completion of 55 years on 31.12.2007. According to him, he is afflicted with Rheumatoid Arthritis. Therefore, if he is compelled to stay at home it will only increase his disability. Therefore, he has approached the Government for retention beyond the age of 55 in terms of 60 (a) of Part I of the K.S.R. Exhibit-P4 is the representation submitted in this regard.

2. I heard the learned counsel for the petitioner Sri. M.V. Bose and learned Government Pleader also.

The age of retirement is prescribed in Rule 60 (a) Part I of K.S.R. The decision to retain any person beyond the age of 55 upto to the age of 58 is obviously in the discretion of the Government. But I note that under the Rules, Government can give such an extension only on public grounds which must be recorded in writing. In ordinary circumstance, this Court would be reluctant to require the Government to even consider whether a particular Government Servant should be retained in

service beyond the age of 55. But I note that according to the petitioner he is an unfortunate victim of Rhreumatoid Arthritis with multiple deformities of hand and foot. He is also paid special allowance on account of such disability. Taking note of special circumstance pleaded by the petitioner , this writ petition is disposed of directing the 1st respondent to look into Exhibit-P4 and take a decision thereon, as early as possible, at any rate, before 31.12.2007.

(V.GIRI, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007